IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1749 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SACHCHASING JAGIRSING

Versus

RAMNIK JETHABHAI KADIA

Appearance:

1. Misc.Civil Application No. 1749 of 2000

MR SANDEEP N BHATT for Petitioner No. 1

RULE UNSERVED for Respondent No. 1

RULE SERVED for Respondents No. 2-3

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 18/10/2001

ORAL JUDGEMENT

The petitioner has filed MAC Petition No.664 of 1990 before the MAC Tribunal at Surendranagar claiming

compensation for injury suffered in a vehicular accident. The petition was filed before the said Tribunal since the accident occurred within the jurisdiction of the said Tribunal. At the time of the accident, the petitioner was living at Jalandar in the State of Punjab. She has filed the present MCA for transfer of the MAC petition from the Tribunal at Surendranagar to the Tribunal at Kutch on the ground that she is now residing within the jurisdiction of the Tribunal at Kutch. However, the address of her residence in Kutch is not mentioned. In the cause-title of the petition, petitioner is shown as still residing at Jalandar, Punjab. At the time of the accident, she was not living in Kutch. In my opinion, the claimant is not entitled to have the petition transferred simply because the claimant has changed her residence after the filing of the petition. The prayer for transfer the MAC petition, therefore, cannot be granted. The MCA is dismissed. Rule discharged.

18-10-2001 (M.C.Patel, J.)

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